

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 2:15-mc-50750

Magistrate Judge Anthony P. Patti

MICHAEL ABRAMS,

Defendant.

_____ /

**ORDER SETTING
SUPPLEMENTAL SENTENCING BRIEFING SCHEDULE**

In Objection #1 of the recently received filing titled “Defendant’s Objections to Sentencing,” Defendant avers that, “No evidence whatsoever was introduced by the prosecution during trial and no finding was made by this Court that the property, at which the alleged violation took place, was ‘property under the charge and control of GSA[,]’” *quoting* 41 C.F.R. § 102-74.450, which concerns penalties for violating any rule or regulation of this subpart. Nevertheless, the Court did find and state on the record at the time of conviction that the Government proved beyond a reasonable doubt that the violation occurred on Federal property. *See* 41 C.F.R. § 102-74.390.

Federal Rule of Evidence 201(b) permits the Court to “judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” The Court may do so “on its own” and “must take judicial notice if a party requests it and the court is supplied with the necessary information.” Fed. R. Evid. 201(c). Further, “The court may take judicial notice at any stage of the proceeding.” Fed. R. Evid. 201(d).

As stated from the bench at the time set for sentencing today, the Government is directed to submit a brief on this issue as soon as possible. The Government may, but need not, obtain and cite from the trial transcript, but is asked to address the issue and supply any “necessary information” which would establish that it “is generally known within the court’s territorial jurisdiction” or “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned” that the Federal property at which the violation occurred is “property under the charge and control of GSA.”

IT IS SO ORDERED.

Dated: July 23, 2015

s/Anthony P. Patti
Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record via email and to the following addresses:

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s/Michael Williams
Case Manager to the
Honorable Anthony P. Patti